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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/079,803	02/20/2002	Koichi Maeda	FUJA 19.461	6837

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EXAMINER

HAN, CLEMENCE S

ART UNIT PAPER NUMBER

2668

DATE MAILED: 12/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/079,803	MAEDA ET AL.	
	Examiner	Art Unit	
	Clemence Han	2668	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 6-8 is/are rejected.
- 7) ☒ Claim(s) 2-5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>05/23/2002</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. Figure 1-5 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.
2. The drawings are objected to under 37 CFR 1.83(a) because they fail to show “AIS-L” as described in the specification (Specification page 10 Line 21-26). Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure

number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities: In the section of Brief Description of the Drawings, there are several occurrences of number in parenthesis. For example, the description of Figure 10 has “control flow (1)”. It is not clear what those numbers in the parenthesis means. Appropriate correction is required.

Claim Objections

4. Claim 2 and 3 are objected to because of the following informalities: Claim 2 recites “a failure” in line 4. It is unclear and indefinite whether this failure is the same failure recited in Claim 1 Line 10. Similarly, Claim 3 recites “a failure” in line 2. Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claim 1 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Oka (US 5,757,774).

Regarding to claim 1, Oka teaches a transmission apparatus which is connected to a network where transparent data transmissions are performed using a plurality of client protocols, and which is designed to accommodate at least one of the plurality of protocols as a primary client protocol (DS1), wherein the transmission apparatus 55, 56, 57, 58 is equipped with an alarm transfer device (Figure 3) for transferring alarm information indicating the occurrence of a failure to a destination transmission apparatus via the network, and the alarm transfer

device transfers the alarm information by using an alarm frame created based on a prescribed client protocol (SONET) unified among the plurality of client protocols (Column 6 Line 5-7).

Regarding to claim 7, Oka teaches the alarm frame as a SONET/SDH frame (Column 5 Line 58).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oka in view of Azizoglu et al. (US 6,430,201).

Regarding to claim 6, Oka teaches a transmission apparatus which is connected to a network where transparent data transmissions are performed using a plurality of client protocols, and which is designed to accommodate at least one of the plurality of protocols as a primary client protocol (DS1), wherein the transmission apparatus 55, 56, 57, 58 is equipped with an alarm transfer device (Figure 3) for transferring alarm information indicating the occurrence of a failure to a destination transmission apparatus via the network, and the alarm transfer

device transfers the alarm information by using an alarm frame created based on a prescribed client protocol (SONET) unified among the plurality of client protocols (Column 6 Line 5-7). Oka also teaches the prescribed unified client protocol (SONET) is a protocol having a dedicated frame for network management and maintenance (Column 6 Line 5-7). Oka, however, does not teach the primary client protocol is a protocol that does not have a dedicated frame for network management and maintenance. Azizoglu teaches the primary client protocol (Gigabit Ethernet) is a protocol that does not have a dedicated frame for network management and maintenance. It would have been obvious to one skilled in the art to modify Oka to be used with the primary client protocol that does not have a dedicated frame for network management and maintenance as taught by Azizoglu in order to provide mechanism to support alarm insertion (Column 1 Line 36-38).

9. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oka in view of Bendak et al. (US 6,873,605).

Regarding to claim 8, Oka teaches a transmission apparatus which is connected to a network where transparent data transmissions are performed using a plurality of client protocols, and which is designed to accommodate at least one of the plurality of protocols as a primary client protocol (DS1), wherein the transmission apparatus 55, 56, 57, 58 is equipped with an alarm transfer device

(Figure 3) for transferring alarm information indicating the occurrence of a failure to a destination transmission apparatus via the network, and the alarm transfer device transfers the alarm information by using an alarm frame created based on a prescribed client protocol (SONET) unified among the plurality of client protocols (Column 6 Line 5-7). Oka, however, does not teach the alarm frame as a digital wrapper frame. Bendak teaches the alarm frame as a digital wrapper frame (Figure 4). It would have been obvious to one skilled in the art to modify Oka to use digital wrapper frame as the alarm frame as taught by Bendak in order to monitor if the links are healthy (Column 3 Line 28-38).

Allowable Subject Matter

10. Claim 2-5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to the invention in general.

U.S. Patent 6,014,708 to Klish

U.S. Patent 6,782,009 to Giorgetta et al.

U.S. Patent 6,832,052 to Marmur

U.S. Patent 6,895,018 to Klish, II

U.S. Pub. 2001/0043603 to Yu

U.S. Pub. 2002/0110157 to Jorgenson et al.

U.S. Pub. 2002/0126709 to Lauder et al.

U.S. Pub. 2002/0191640 to Haymes et al.


U.S. Pub. 2003/0188026 to Denton et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clemence Han whose telephone number is (571) 272-3158. The examiner can normally be reached on Monday-Thursday 7 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chieh Fan can be reached on (571) 272-3042. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

C. H.
Clemence Han
Examiner
Art Unit 2668



STEVEN NGUYEN
PRIMARY EXAMINER